## Case 3:73-cy-00127-RCJ-WGC Document 1 Filed 02/24/06 Page 1 of 40

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHT'S and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

	ACME LEASING, LLC	
Date: 10/26/05	Signature Mike Gilbert, Manager	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that you a	e
	acting as: Manager c	f
	(Title)	
	Acme Leasing, LLC	
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service.

Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons and may later object to the jurisdiction of the court or to the place where the action has been brought.

## Case 3:73-cy-00127-RCJ-WGC Document 1 Filed 02/24/06 Page 2 of 40

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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Date Mars 2, 2005	Odriane J. Antonelli Signature ADRIANE J. ANTONE (	<b>-</b>
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	t you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

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It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in \, and may later object to the jurisdiction of the court or to the place where the action has been brought.

## Case 3:73-cy-00127-RCJ-WGC Document 1 Filed 02/24/06 Page 3 of 40

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu	of
Summons or in the service of the Notice in Lieu of Summons.	

Date: //-7-05

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Corporate, Trust, Partnership or other entity)

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## Case 3:73-cy-00127-RCJ-WGC Document 1 Filed 02/24/06 Page 4 of 40

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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or to the jurisdiction or venue of the Court except for objections based on a	defect in the Notice in Lieu of
Summons or in the service of the Notice in Lieu of Summons.	

Date:	Signature Anthony Aguila	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

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1.	
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
3	UNITED STATES OF AMERICA, )
4	Plaintiff,
. 5	WALKER RIVER PAIUTE TRIBE, ) IN EQUITY NO. C-125
6	) Plaintiff-Intervenor, ) SUBFILE NO. E-125-B
7	)   vs.
8 9	WALKER RIVER IRRIGATION DISTRICT, ) a corporation, et al., )
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE
11	Thereby was a ship only appearable in this case
12	1. I hereby enter my appearance in this sub-proceeding in this case.
13	2. I am filing this document with the District Court at the following address:
14	Chief Deputy Clerk United States District Court for the District of Nevada
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501
16	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu o
17	Summons, I am mailing a copy of this document to:
18	Susan L. Schneider
19	Attorney for the United States of America United States Department of Justice
20	Environment & Natural Resources Division P.O. Box 756
21	Littleton, Colorado 80160
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.
25	5 If I (or the entity on whose behalf I am acting) have retained an attorney to represent
26	me in these proceedings. I identify that attorney below, along with his or her mailing address,
27	telephone number, and facsimile number:
28 j	

## Case 3:73-cv-00127-RCJ-WGC Document 1 Filed 02/24/06 Page 6 of 40

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1	Attorney:	
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6	Phone Number:	$\mathcal{A}^{-1}$
7	Fax Number:	
8		
9		(Signature)
10		
11		Anthony Aquila
12		(Printed or typed/Name)
13		
14		
15		(Entity, if any, on whose
16		behalf you are appearing)
17		
18		(Address)
19	·	(Telephone number)
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## Case 3:73-cy-00127-RCJ-WGC Document 1 Filed 02/24/06 Page 7 of 40

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#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 IN EQUITY NO. C-125 WALKER RIVER PAIUTE TRIBE, 6 SUBFILE NO. C-125-B Plaintiff-Intervenor, 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., 9 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. 12 I am filing this document with the District Court at the following address: 2. 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu of 3. 17 Summons. I am mailing a copy of this document to: 13 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I am acting) will retain all defenses or objections 4. 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf I am acting) have retained an attorney to represent 5. 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, telephone number, and facsimile number: 27 28

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

## Case 3:73-cy-00127-RCJ-WGC Document 1 Filed 02/24/06 Page 9 of 40

1	Attorney:	
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3	Address:	
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6	Phone Number:	
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8		Shelly (lager C
9.		(Signature)
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11		Shelly Aguila
12		(Printed or typed Name)
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15		(Entity, if any, on whose behalf you are appearing)
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ase 3:73-cy-00127-RCJ-WG0	Document 1 Filed 02/24/06 Page 10
3	UFFICIAL RECORDS
0.00 0.00 11.0	LYON COUNTY, NEV.
A.P.N. #009-011-19	RECORD REQUESTED BY
R.P.T.T. \$ 370.50	STEWART TITLE OF Dougles Co.
ESCROW NO. 030103682	03 OCT 30 PM 2: 58
RECORDING REQUESTED BY:	MARY C. MILLIGAN
STEWART TITLE COMPANY	COUNTY RECORDER
MAIL TAX STATEMENTS TO: SAME AS BELOW	600
	FEE / OEP (XV)
	· ·
WHEN RECORDED MAIL TO: GRANTEE	
959 MONUMENT PEAK DRIVE	
GARDNERVILLE, NV 89460	(Space Above for Recorder's Use Only)
CDANT RADCA	AIN, SALE DEED
•	·
THIS INDENTURE WITNESSETH: That JEFFR DIANNE SELDOMRIDGE, husband an	Y S. SELDOMRIDGE and P.
DIANNE SELDOMRIDGE, husband an	d wife
in consideration of \$10.00, the receipt of which is her	eby acknowledged, does hereby Grant, Bargain_Sell
in consideration of \$10.00, the receipt of which is her and Convey to DAVID J. BERONIO and	KARI R. BERONIO, Trustee of
the BERONIO FAMILY 1995 TRUST	DATED JUNE 26, 1995 AND
AMENDED SEPTEMBER 9, 1999	
and to the heirs and assigns of such Grantee forever, a	ıll that real property situated in the
County of Lyon	State of Nevada, bounded and described as:
	ERETO AND MADE A PART HEREOF
Together with all and singular the tenements, heredita anywise appertaining, and any reversions, remainders	ments and appurtenances thereunto belonging or in , rents, issues or profits thereof.
DATE: October 23, 2003	
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RV:	ndh >
SET TO SET	S. SELDOMRIDGE
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ny ( )	) in a hel Daniel Dag
BY P. D	IANNE SELDOMRIDGE
	0
e	CONTRACTOR
8	KELLY A. VEIL 8
OTATION OR Novice	Appt. Recorded in LYON CO.
STATE OF Nevada } ss.	No 98-3783-12 My Appt. Exp. July 31, 2006
COUNTY OF Lyon }	
•	
This instrument was acknowledged before me on 10	· <u>27·03</u> ,
by, leffry S. Seldomridge and P.	Dighne
Seldamiidge	
<u> </u>	<del></del>
Signature Kully a. Van	11 - CD - word for December Hes Only)
Notary Public (One Inch Margin on all	sides of Document for Recorders Use Only)

## Case 3:73-cy-00127-RCJ-WGC Document 1 Filed 02/24/06 Page 11 of 40

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## Case 3:73-cv-00127-RCJ-WGC Document 1 Filed 02/24/06 Page 13 of 40

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3	Address:	
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12		(Printed or typed Name)
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14	*	(P. (), (C. )
15		(Entity, if any, on whose behalf you are appearing)
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17		(A.11)
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19		(Telephone number)
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## Case 3:73-cv-00127-RCJ-WGC Document 1 Filed 02/24/06 Page 14 of 40

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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Date: 11/16/05

Rober The Brews & Down Brewn
Signature
Rober The C 13 RIFWEIZ DORIS D BROWGE

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: Trustee of the

### Robert and Doris Brewer Living Trust

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

### Case 3:73-cy-00127-RCJ-WGC Document 1 Filed 02/24/06 Page 15 of 40

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

1.0	Karent Blander	
Date: 11-14-2005	Signature KAREN D. BRONDEL	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that y	ou are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

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## Case 3:73-cy-00127-RCJ-WGC Document 1 Filed 02/24/06 Page 16 of 40

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Date: 11/14/05

Signature

KATHY L. BROKDEL

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: \_\_\_\_\_\_

(Corporate, Trust, Partnership or other entity)

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Date: 12122105	Signature Signature Listing L. Brown Printed/Typed Name	
	~ ·	
	If you are acting on behalf of any entity, identify that you a	ıre
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

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1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA, 4 Plaintiff. 5 IN EQUITY NO. C-125 WALKER RIVER PAIUTE TRIBE, 6 SUBFILE NO. C-125-B Plaintiff-Intervenor, 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. a corporation, et al., 9 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. 12 I am filing this document with the District Court at the following address: 2. 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu of 3. 17 Summons, I am mailing a copy of this document to: 18 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I am acting) will retain all defenses or objections 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf I am acting) have retained an attorney to represent 5. 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 27 28

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

## Case 3:73-cv-00127-RCJ-WGC Document 1 Filed 02/24/06 Page 19 of 40

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6	Phone Number:	
7	Fax Number:	. 1
8		Hustine & Blown
9.		(Signature)
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11		Knishine L. Brown
12		(Printed or typed Name)
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15		(Entity, if any, on whose
16		behalf you are appearing)  83 Hudson Aurora
17		Smith, NV 89430
18		(Address)
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## Case 3:73-cy-00127-RCJ-WGC Document 1 Filed 02/24/06 Page 20 of 40

RPTT-#8

Recording Requested by and When recorded return to and Mail tax statements to: in hing he nearly to consect games meme.

HASKELL, L. BROWN AND CHERI L. BROWN 8 Brown Lane Yerington, Nevada 89447

#### Quitclaim Deed

The undersigned declare that the documentary transfer tax is -0-. Exempt: not a sale, transfer to trustees.

POR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, HASKELL L. BROWN and CHERI L. BROWN husband and wife, as joint tenants with rights of survivorship, hereby grant to

HASKELL L. BROWN AND CHERL L. BROWN CO-TRUSTEES, THE BROWN JOINT LIVING TRUST DATED 15 FEBRUARY 1997

the beneficiaries of which are the Grantor(s), the following described real property in the County of Lyon, State of Nevada:

Parcel E as designated on the Parcel Map for James M. Nunes filed for record February 23, 1979, File No. 43786 of Official Records of Lyon County, State of Nevada.

North and South 52 feet, East and West 85 feet, one-tenth (1/10) acre.

Assessor's Parcel Number: 006-033-07

The Co-Trustees and any successor Trustee(s) shall have full right to sell or encumber the property described herein.

Dated: 29 day of \_\_\_\_\_\_\_, 1997

- n

KELL L. BROWN

CHERLL BROWN

206678

205531

## Case 3:73-cy-00127-RCJ-WGC Document 1 Filed 02/24/06 Page 21 of 40

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## Case 3:73-cv-00127-RCJ-WGC Document 1 Filed 02/24/06 Page 22 of 40

1			
2	IN THE UNITED STATES FOR THE DISTRICT		
3	UNITED STATES OF AMERICA,	)	
4	Plaintiff,	)	
5	WALKER RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B	
7	vs.		
8 9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,		
10	NOTICE OF APPEARANCE AND IT	NTENT TO PARTICIPATE	
11			
12	1. I hereby enter my appearance in this s		
13	2. I am filing this document with the Dis	trict Court at the following address:	
14	Chief Deputy Clerk United States District Court for the District of Nevada		
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16 13	3. In the envelope provided for return of	my Waiver of Service of Notice in Lieu of	
17	Summons, I am mailing a copy of this document to:		
18	Susan L. Schneider		
19	Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division		
20	P.O. Box 756		
21	Littleton, Colorado 80160		
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objections		
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent		
26	me in these proceedings. I identify that attorney below, along with his or her mailing address,		
27	relephone number, and facsimile number:		
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NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

## Case 3:73-cv-00127-RCJ-WGC Document 1 Filed 02/24/06 Page 23 of 40

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## Case 3:73-cy-00127-RCJ-WGC Document 1 Filed 02/24/06 Page 24 of 40

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or to the jurisdiction or venue of the Court except for objections based on a defect in the N	otice in Lieu of
Summons or in the service of the Notice in Lieu of Summons	/1

Date: 4 18/05

Sandra

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

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## Case 3:73-cy-00127-RCJ-WGC Document 1 Filed 02/24/06 Page 26 of 40

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16			•	behalf you are appearing)
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## Case 3:73-cy-00127-RCJ-WGC Document 1 Filed 02/24/06 Page 27 of 40

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Date: 12-20-05

Botty See-Beell - Trustee Signature

Betty Sue Buell

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: <u>Trustee</u> of the

Betty Sue Buell Trust Agreement

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- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date:  $\frac{12/30/05}{}$ 

Frank In Gull (Signature

Frank M. Buell

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: <u>Trustee</u> of the

Frank M. Buell Trust Agreement

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear he cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been rought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in

. of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

## Case 3:73-cy-00127-RCJ-WGC Document 1 Filed 02/24/06 Page 29 of 40

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

- TO: Susan L. Schneider, attorney for the United States of America
- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 12/15/05

Signature

Dianne Borsini-Burr

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: Trustee \_\_\_\_ of the

#### Dianne Borsini Burr Trust

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE, -IN EQUITY NO. C-125 6 SUBFILE NO. C-125-B Plaintiff-Laervenor, 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. a corporation, et al., 9 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. . 12 2. I am filing this document with the District Court at the following address: 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu of 3. 17 Summons, I am mailing a copy of this document to: 13 Susan L. Schneider Attorney for the United States of America 1 Q United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I am acting) will retain all defenses or objections 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 me in these proceedings. I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 27 28

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

## Case 3:73-cv-00127-RCJ-WGC Document 1 Filed 02/24/06 Page 31 of 40

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1	Attorney:	
2		
3	Address:	
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6	Phone Number:	
7	Fax Number:	
8		Daniel Daniel To
9	·	1 ignus Forsent SUNLIK
10		(Signature)
11		Dianne Borsini-Burr, trustee
12		(Printed or typed Name)
13		Dianne Borsini Burr Trust P. O. Box 3290
14	·	Half Moon Bay, CA 94019
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## Case 3:73-cy-00127-RCJ-WGC Document 1 Filed 02/24/06 Page 32 of 40

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 11-13-05	Signature Caputo  Printed/Typed Name	
	If you are acting on behalf of any entity, identify	that you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

## Case 3:73-cv-00127-RCJ-WGC Document 1 Filed 02/24/06 Page 33 of 40

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objection	ons to the lawsu	iit
or to the jurisdiction or venue of the Court except for objections based on a defect in the	Notice in Lieu	of
Summons or in the service of the Notice in Lieu of Summons.		

Date: NoV 14 2005

Signature

Michael L. Capurro

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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#### TO: Susan L. Schneider, attorney for the United States of America

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1 1	Cus Converge	
Date: 11 15 05	Signature RIS CONVERSE	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that you	are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

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## Case 3:73-cy-00127-RCJ-WGC Document 1 Filed 02/24/06 Page 36 of 40

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1	Attorney:	
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8		Jus Williams C
9		(Signature)
10		CRIS CONVERSE
11		
12		(Printed or typed Name)
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14		(Entity, if any, on whose
15		behalf you are appearing)
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17		(Address)
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73-cv-00127-RCJ-WGC Document 1 Filed 02/24/06 Page 37 of 40 Escrew No. A.P.N. 10-411-16-and a portion of 10-411-18-as to Parcel 1 and 10-411-15 as to Parcel 2 The undersigned grantor(s) declare(s): Documentary transfer tax is \$-0- # 7 ( ) computed on full value of property conveyed, or ( ) computed on full value less value of liens and encumbrances remaining at time of sale ( ) Unincorporated area: ( ) City of \_\_\_\_\_ (X) Realty not sold. Exempt #8 **GRANT, BARGAIN, SALE DEED** GILBERT E. COOK, also known as GILBERT COOK and LINDA L. COOK, also known as LINDA COOK, husband and wife in consideration of \$10.00 Dollars, the receipt of which is hereby acknowledged, do hereby Grant, Bargain, Sell and Convey to GILBERT COOK and LINDA COOK, TRUS\_ERS OF THE COOK 1994 REVOCABLE LIVING TRUST, DATED MARCH 9, 1994, all that real property in the County of LYON, State of Nevada, bounded and described as follows: SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF Together with all singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining. Date1: 71 4.4 10 1996 Linda L Cook STATE OF NEVADA 1 ay 10, 1991 personally appeared before me, a Notary Public. Like Lect E who acidnowledged that the executed the above instrument.

WHEN RECORDED MAIL TO:
GILBERT E. COOK and LINDA COOK
129 ARTIST VIEW
WELLINGTON, NEVADA 89444

Signature

Accounted Recorded in Lipin County MY APPOINTMENT EXPIRES NOV 7, 1988

MARYANN INFANTINO Notary Public - State of Nevaca

## Case 3:73-cy-00127-RCJ-WGC Document 1 Filed 02/24/06 Page 38 of 40

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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Date: Nov 20, 2005

Signature

KEVIND: COPER

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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# Case 3:73-cv-00127-RCJ-WGC Document 1 Filed 02/24/06 Page 39 of 40

1.			
2	IN THE UNITED STATES D FOR THE DISTRICT O		
3	UNITED STATES OF AMERICA,	)	
4	Plaintiff,	) )	
5	WALKER RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125	
6	Plaintiff-Litervenor,	) SUBFILE NO. C-125-B	
7	vs.	)	
8	WALKER RIVER IRRIGATION DISTRICT,	ĺ	
9	a corporation, et al.,	<b>)</b>	
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE	
11			
12	1. I hereby enter my appearance in this sub	•	
13	2. I am filing this document with the Distr	ict Court at the following address.	
14			
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16	Reno, Nevada 89501		
17		ny Waiver of Service of Notice in Lieu of	
18	Summons. I am mailing a copy of this document to:		
1.0	Susan L. Schneider Attorney for the United States of Arneri	ca	
20	United States Department of Justice Environment & Natural Resources Division		
21	P.O. Box 756 Littleton, Colorado 80160		
22	4. I (or the entity on whose behalf I am act	ing) will retain all defenses or objections	
23	to the lawsuit or to the jurisdiction or venue of the cou	rt except for objections based on a defect	
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25	5. If I (or the entity on whose behalf I am acti	ng) have retained an attorney to represent	
26	me in these proceedings, I identify that attorney below	, along with his or her mailing address,	
27	telephone number, and facsimile number:		
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# Case 8:73-cv-00127-RCJ-WGC Document 1 Filed 02/24/06 Page 40 of 40

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1.	Attorney:	
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3	Address:	
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6	Phone Number:	
7	Fax Number:	
8		Jun J. Coffer.
9	·	(Signature)
10		
11		KEVIN D. COOPER
12		(Printed or typed Name)
13		
14	·	
15		(Entity, if any, on whose behalf you are appearing)
16		
17		(Address)
18		(Address)
19		(Telephone number)
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